



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: May 20, 2015

Sponsored by Council Members: Motsavage, Webb, Mihalko, Matzo, Berg, Rennia, Papastrat

Introduced by Committee: Public Works/Parks & Recreation

RESOLUTION

entitled

A RESOLUTION APPROVING AMENDMENTS
TO THE RULES AND REGULATIONS
RELATING TO USE OF THE BINGHAMTON-
JOHNSON CITY JOINT SEWAGE TREATMENT
PLANT (JSTP)

WHEREAS, the City of Binghamton (the "City") is a joint owner of the Binghamton-Johnson City Joint Sewage Treatment Plant (the "JSTP") with the Village of Johnson City (the "Village"); and

WHEREAS, the JSTP is operated and maintained by the Binghamton-Johnson City Joint Sewage Board (the "Sewage Board") on behalf of the City and the Village; and

WHEREAS, in furtherance of Permanent Resolution 12-20, it is appropriate that certain amendments be made to the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*; and

WHEREAS, the Sewage Board has caused amendments to be prepared, duly published a notice of a public hearing on March 16 and 22, 2015, in the Press & Sun Bulletin, and held a public hearing regarding the amendments April 14, 2015, at which no persons appeared wishing to comment; and

WHEREAS, no oral or written comments were received and the Sewage Board duly adopted the amendments on April 14, 2015; and

WHEREAS, the Sewage Board caused a certified copy of the adopted Resolution to be filed with the City on April 29, 2015, for approval in accordance with Section 4.05(a)(3) of the *Binghamton-Johnson City Joint Sewage Treatment Plant Law* and Section 3.10(a)(3) of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in special session, does hereby:

RESOLVE that 2015 amendments 1, 2, 3, 4, 5, 6, and 7 to the *Rules and Regulations Relating to the Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* are hereby approved in form attached hereto, and be it further

RESOLVED that this Resolution shall take effect immediately.

I hereby certify the above to be a true copy
of the legislation adopted by the Council
of the City of Binghamton at a meeting
held on 5/20/15. Approved by
Mayor on 5/20/15

The signature of the Mayor is written in ink over the certification text.

Introductory No. R15-56

Permanent No. R15-54

Sponsored by City Council Members:
Motsavage, Webb, Mihalko, Matzo, Berg, Rennia,
Papastrat

A RESOLUTION APPROVING AMENDMENTS TO THE
RULES AND REGULATIONS RELATING TO USE OF
THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE
TREATMENT PLANT (JSTP)

The within Resolution was adopted by the Council of
the City of Binghamton.

Date May 20, 2015

City Clerk Jerry P. Webb

Date Presented to Mayor May 21, 2015

Date Approved 5/21/15

Mayor Thomas C. Deane

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia	✓			
Webb	✓			✓
Papastrat				
Matzo	✓			
Berg	✓			
Total	6	0	0	1

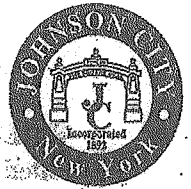
☐ Code of the City of Binghamton

☒ Adopted ☐ Defeated

6 Ayes 0 Nays 0 Abstain 1 Absent



Binghamton-Johnson City
JOINT SEWAGE BOARD



Eugene Hulbert, Sr.
Gary Holmes
Edward Crumb

Stephen Andrew
George Kolba, Jr.
Ron C. Davis

**CERTIFICATE OF RESOLUTION OF THE
BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD REGARDING:
AMENDING THE RULES AND REGULATIONS RELATING TO USE OF THE
BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT**

I, Michele Cuevas, Confidential Secretary of the Binghamton-Johnson City Joint Sewage Board, DO HEREBY CERTIFY that, at the special meeting of the Binghamton-Johnson City Joint Sewage Board held on April 14, 2015, duly convened and a quorum being present and participating throughout the subject action set forth below, the following RESOLUTION[S] was/were duly adopted on motion duly made, seconded, and carried, which RESOLUTION[S] remain in full force and effect:

Board Members present:

George Kolba, Jr. (Chairman), Eugene Hulbert, Sr. (Vice-Chairman), Edward Crumb, Stephen Andrew, Ronald C. Davis, and Gary R. Holmes

Board Member[s] absent:

(none)

Motion made by Edward Crumb and seconded by Stephen Andrew to amend the Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant as set forth below and in the attachments hereto:

WHEREAS, the Binghamton-Johnson City Joint Sewage Board ("Sewage Board") has authority to amend the Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant ("Rules and Regulations") pursuant to Binghamton-Johnson City Joint Sewage Treatment Plant Law 4.05 ("Plant Law"); and

WHEREAS, the Sewage Board has complied with the provisions of Plant Law §4.05; and

WHEREAS, a public hearing was conducted April 14, 2015 after notification was duly given and published; and

WHEREAS, two written submissions were received in advance of the public hearing and given due consideration by the Sewage Board, but no one attended in person at the public hearing to provide input or verbal comments regarding the proposed amendments; and

WHEREAS, Amendment 1 adds uniform procedures applicable to external requests for review under the New York State Environmental Quality Review Act and New York General Municipal Law §§239-1, 239-m, and 239-nn; and

WHEREAS, Amendment 2 revises definitions in accordance with guidance from the United States Environmental Protection Agency ("US-EPA") and for clarity; and

Catherine P. Young, Superintendent
Binghamton-Johnson City Joint Sewage Treatment Facilities
4480 Vestal Road, Vestal, New York 13850
Phone: 607-729-2975 Fax: 607-729-0110
Email: bjcwwtp@stnyrr.com

WHEREAS, Amendment 3 updates and clarifies the existing *Rules and Regulations* in relation to prohibited discharges; and

WHEREAS, Amendment 4 adds a recordkeeping requirement for certain industrial users in accordance with directives of the US-EPA; and

WHEREAS, Amendments 5 through 7 are made in furtherance of the *Flow Management Plan* approved by the Sewage Board on January 27, 2012 and the New York State Department of Environmental Conservation on February 29, 2012 to provide for the management and treatment of hydraulic flows and pollutant loadings to the Binghamton-Johnson City Joint Sewage Treatment Facilities in accordance with required standards,

NOW, THEREFORE, the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* are amended as follows:

Amendment 1: Effective June 1, 2015, Section 13.14 is added to the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* as stated in the attachment hereto titled "Amendment 2015-1 (PROCEDURES FOR EXTERNAL SEQR AND 239 REVIEWS)".

Amendment 2: Effective June 1, 2015, Sections 2.01, 12.05, 13.04, and 14.05 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* are amended to add and modify definitions as stated in the attachment hereto titled "Amendment 2015-2 (DEFINITION AMENDMENTS)".

Amendment 3: Effective June 1, 2015, Section 6.24 is added to the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* as stated in the attachment hereto titled "Amendment 2015-3 (PROHIBITED DISCHARGES AMENDMENT)" and that, for the time being, no amendment shall be made to Section 5.01(k) pending further coordination and input.

Amendment 4: Effective June 1, 2015, Section 6.24 is added to the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* as stated in the attachment hereto titled "Amendment 2015-4 (RECORDKEEPING AMENDMENT)".

Amendment 5: Effective July 1, 2015, Article 12 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended, and the Application For New or Modified Sewer Connection Permit is replaced, as stated in the attachment hereto titled "Amendment 2015-5 (AMENDMENTS TO ARTICLE 12)".

Amendment 6: Effective July 1, 2015, Section 12.05.03 in Article 12 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended as stated in the attachment hereto titled "Amendment 2015-6 (AMENDMENTS TO SECTION 12.05.03 AND TABLE 12.05.03-1)", and Table 12.05.03-1 in Article 12 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is replaced by Table B-3 of the *Design Standards for Intermediate Sized Wastewater Treatment Systems (2014)* released by the New York State Department of Environmental Conservation March 5, 2014 (see, pages B-16ff at: http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf).

(continued)

Amendment 7: Effective July 1, 2015, Article 13 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended as stated in the attachment hereto titled "Amendment 2015-7 (AMENDMENTS TO ARTICLE 13)".

Motion carried: 6 ayes, 0 nay

I HEREBY CERTIFY that the foregoing is a true and complete copy of the resolution[s] duly adopted at the aforesaid meeting of the Joint Sewage Board in accordance with the provisions of said Board's By-Laws, that the resolution[s] has/have not in any way been rescinded or annulled, and that the resolution[s] is/are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand as Confidential Secretary of the Joint Sewage Board, this 28th day of April, 2015.

Michele Cuevas
Michele Cuevas,
Confidential Secretary

ATTEST:

George Kalloja
Board Officer

AMENDMENT 2015-1 (PROCEDURES FOR EXTERNAL SEQR AND 239 REVIEWS)

... to add Section 3.14 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*

New Section 3.14 is added to the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*, reading as follows:

§3.14 PROCEDURES WITH RESPECT TO EXTERNAL "ACTIONS" OR REQUESTS INVOLVING COORDINATED ENVIRONMENTAL REVIEW AND/OR REVIEW UNDER GENERAL MUNICIPAL LAW §§239-l, 239-m, and/or 239-nn

(a) Background.

- (1) From time to time the Joint Sewage Board ("Board") is either an "involved party" or otherwise requested or required to participate in reviews of "actions" of other entities or bodies under the *New York State Environmental Quality Review Act* or the *New York General Municipal Law* §§239-l, 239-m, and/or 239-nn, and
- (2) the Board has adopted a *Flow Management Plan*, approved by the New York Department of Environmental Conservation, with corresponding regulations applicable to "new or modified sewer connections" (*see generally*, Article 12 of these rules and regulations); and
- (3) the Board seeks to ensure that consistent, uniform and clear procedures are followed in all review processes involving external "actions" or requests.
- (4) The term "actions" when used in §3.14 or any of its subparagraphs shall have the same meaning as assigned under §8-0105 of the *New York Environmental Conservation Law*.

(b) Procedure applicable with respect to a "new or modified sewer connection" projected to have an average daily wastewater discharge flow change in excess of +2,500 gallons per day:

- (1) With respect to an "action" or request for review that involves a "new or modified sewer connection" projected by the Applicant's Engineer to have a change in average daily wastewater discharge flow in excess of +2,500 gallons per day, the Board will not consider a request for review to be complete, nor can a formal response be provided or the Board's time to respond begin to run, until all documentation up to and including the Affected Owner's formal consideration and approval of the "action" under §12.05.05(f) of these rules and regulations has been received at the Board's Office.

- (2) Within ten (10) business days after receipt of the documentation, the Board shall submit an initial response acknowledging receipt and listing all documentation not provided which is required to complete its review and consideration, including the steps required under §§12.05.05(h), (i), and (j) of these rules and regulations. When additional documentation is required, the Board's initial response shall request that the deadline for the Board to submit a response be extended until twenty (20) days after receipt of all documentation required.
- i. If the documentation submitted to the Board is complete, the Board shall submit its response within twenty (20) days after receipt of the documentation, or such longer time stated in the review request.
 - ii. When the documentation submitted to the Board is incomplete, the Board shall submit its response within twenty (20) days after receipt of the last item of required documentation, or such longer time stated in the review request.
- (3) The terms "Affected Owner", "Applicant", and "new or modified sewer connection" appearing in §3.14(b) shall have the same meanings as are assigned to them under Article 12 of these rules and regulations.
- (4) Determinations and decisions made in the coordinated review process shall not have set any precedent binding on the Principal Municipal User, Intermediate Municipal User (if any), Affected Owner, or Board for the purposes of Article 12 or Article 12 of these rules and regulations.
- (c) Procedure applicable with respect to a "new or modified sewer connection" projected to have an average daily wastewater discharge flow change equal to or less than +2,500 gallons per day:
- (1) With respect to an "action" or request for review that involves a "new or modified sewer connection" projected by the Applicant or the Developer to have a change in average daily wastewater discharge flow of +2,500 gallons per day, or less, the Board will not consider a request for review to be complete, nor can a formal response be provided or the Board's time to respond begin to run, until receipt in the Board's Office of:
 - [A] the Sewer Connection Application described to in §12.05.04 of these rules and regulations, and
 - [B] either:
 - [i] an approval, or
 - [ii] a statement of adequate sewer collection system capacity from

(AMENDMENT 2015-1 [continued])

each of:

- [a] the Principal Municipal User,
- [b] the Intermediate Municipal User[s], if any, and
- [c] the Affected Owner

through which wastewater from the "action" or project under review will flow enroute to the Binghamton-Johnson City Joint Sewage Treatment Facilities.

(2) Within ten (10) business days after receipt of the documentation, the Board shall submit an initial response acknowledging receipt and listing all documentation not provided which is required to complete its review and consideration, including the steps required under §§12.05.05(h), (i), and (j) of these rules and regulations. When additional documentation is required, the Board's initial response shall request that the deadline for the Board to submit a response be extended until twenty (20) days after receipt of all documentation required.

i. If the documentation submitted to the Board is complete, the Board shall submit its response within twenty (20) days after receipt of the documentation, or such longer time stated in the review request.

ii. When the documentation submitted to the Board is incomplete, the Board shall submit its response within twenty (20) days after receipt of the last item of required documentation, or such longer time stated in the review request.

(3) The terms "Affected Owner", "Applicant", and "new or modified sewer connection" appearing in §3.14(c) shall have the same meanings as are assigned to them under Article 12 of these rules and regulations.

(4) Determinations and decisions made in the coordinated review process shall not have set any precedent binding on the Principal Municipal User, Intermediate Municipal User (if any), Affected Owner, or Board for the purposes of Article 12 or Article 12 of these rules and regulations.

(d) Procedure applicable with respect to a review or "action" that does not involve a "new or modified sewer connection":

(1) With respect to a request for review or "action" that does not involve a "new or modified sewer connection", the Board will not consider a request for review to be complete, nor can a formal response be provided or the Board's time to

respond begin to run, until receipt in the Board's Office of either:

- [i] an approval, or
 - [ii] a statement of adequate sewer collection system capacity
- from each of:

- [a] the Principal Municipal User,
- [b] the Intermediate Municipal User[s], if any, and
- [c] the Affected Owner

through which wastewater from the "action" will flow enroute to the Binghamton-Johnson City Joint Sewage Treatment Facilities.

- (2) Within ten (10) business days after receipt of the documentation, the Board shall submit an initial response acknowledging receipt and listing all documentation not provided which is required to complete its review and consideration, including the steps required under §§12.05.05(h), (i), and (j) of these rules and regulations. When additional documentation is required, the Board's initial response shall request that the deadline for the Board to submit a response be extended until twenty (20) days after receipt of all documentation required.
 - i. If the documentation submitted to the Board is complete, the Board shall submit its response within twenty (20) days after receipt of the documentation, or such longer time stated in the review request.
 - ii. When the documentation submitted to the Board is incomplete, the Board shall submit its response within twenty (20) days after receipt of the last item of required documentation, or such longer time stated in the review request.
- (3) The terms "Affected Owner", "Applicant", and "new or modified sewer connection" appearing in §3.14(d) shall have the same meanings as are assigned to them under Article 12 of these rules and regulations.
- (4) Determinations and decisions made in the coordinated review process shall not have set any precedent binding on the Principal Municipal User, Intermediate Municipal User (if any), Affected Owner, or Board for the purposes of Article 12 or Article 12 of these rules and regulations.
- (e) Logging-In and Acknowledgement of External Requests for Review. Each external request for review of an "action" or application shall be logged-in and acknowledged on behalf of the Board by the Business Manager or, in the absence of the Business Manager, by the Confidential Secretary employed by the Board. In acknowledging receipt of each

(AMENDMENT 2015-1 [continued])

request for review of an "action" or application, the Business Manager or the Confidential Secretary, as the case may be, shall furnish a copy of the Certificate of Resolution attesting to the adoption of this amendment to the requestor, with copies of the acknowledgement to all parties copied on the request for review, together with the current Internet URL at which Article 12 of these rules and regulations may be accessed. Such acknowledgment of receipt shall also be logged by the Business Manager or the Confidential Secretary, as the case may be.

(end of Amendment 2015-1)

AMENDMENT 2015-2 (DEFINITION AMENDMENTS)

... amending Sections 2.01, 12.05, 13.04, and 14.05 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*

PART I

The definitions of "Flow Rate" and "Significant Noncompliance" in Section 2.01 in *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* are amended to read as follows:

Flow Rate shall mean the quantity of liquid and/or wastewater discharged through a property's sewer connection during a specified period, expressed as a volume per unit of time, except as otherwise specifically defined in any Article of these rules and regulations with respect to such Article.

Significant Noncompliance shall mean a violation which meets one or more of the following criteria:

- 1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66%) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Pretreatment Requirement, including instantaneous limits for the same pollutant parameter;
- 2) Technical Review Criteria (TRC) violations; defined here as those in which thirty-three (33%) percent or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the numeric Pretreatment Standard or Pretreatment Requirement, including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD; TRC = 1.4 for Total Suspended Solids [TSS]; TRC = 1.4 for fats, oil, and grease; and TRC = 1.2 for all other pollutants, except pH);
- 3) Any other violation of a pretreatment effluent limit (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Board determines has caused, alone or in combination with other discharges, interference, upset, or pass through (including endangering the health of POTW personnel or the general public);
- 4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- 5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(AMENDMENT 2015-2 [continued])

- 6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, periodic self-monitoring reports, and/or reports on compliance with compliance schedules;
- 7) Failure to accurately report noncompliance; and/or
- 8) Any other violation or group of violations, including a violation of Best Management Practices, which the Board determines will adversely affect the operation or implementation of the local pretreatment program.

PART II

The following definitions are added to Section 2.01 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*:

Average Daily Flow Volume shall mean the arithmetic mean of the daily volume of wastewater discharged through a property's sewer connection for a continuous 12-month period expressed as a volume per 24 consecutive hours of time. However, for properties or facilities having seasonal high hydraulic discharge periods (for example, educational campuses, industrial facilities, and weekend or seasonal recreational or service facilities), average daily flow volume shall be based on the arithmetic mean of the daily volume of wastewater discharged during the seasonal high period.

Average Pollutant Load Design Values of each unit process at the Treatment Plant are as described and set forth in the October 24, 2006 revision to Appendix A, "Basis of Design" of the June 25, 2003 *Engineering Report* of C&S Engineers, Inc. for the *Phase III Improvements - Binghamton-Johnson City Joint Sewage Treatment Plant*, certified by Robert N. Duclos, P.E. (N.Y.S.P.E. License No. 070428), including the following:

- 36,000 pounds per day average daily design influent load of Biochemical Oxygen Demand (BOD) to the Treatment Plant;
- 34,000 pounds per day average daily design load of BOD to the Carbonaceous BOD Filters (C-Filters) of the Biological Aeration Filtration (BAF) system, including influent, sidestream, and backwash recycle flows;
- 37,100 pounds per day average daily design influent load of Total Suspended Solids (TSS) to the Treatment Plant;
- 34,000 pounds per day average daily design load of TSS to the C-Filters of the BAF system, including influent, sidestream, and backwash recycle flows;
- 3,400 pounds per day average daily design influent load of Total Kjeldahl Nitrogen (TKN) to the Treatment Plant; and

(AMENDMENT 2015-2 [continued])

- 5,570 pounds per day average daily design load of TKN to the C-Filters of the biological Aeration Filtration (BAF) system, including influent, sidestream, and backwash recycle flows.

The referenced Appendix A may be viewed/downloaded at URL:

www.tinyurl.com/061024BasisOfDesign-BJC-JSTP.

Average Wastewater Flow Rate Design Values of each unit process at the Treatment Plant are as described and set forth in the October 24, 2006 revision to Appendix A, "Basis of Design" of the June 25, 2003 *Engineering Report* of C&S Engineers, Inc. for the *Phase III Improvements – Binghamton-Johnson City Joint Sewage Treatment Plant*, certified by Robert N. Duclos, P.E. (N.Y.S.P.E. License No. 070428), including the following:

- 26.0 million gallons per day (MGD) average daily influent design flow for the Treatment Plant; and
- 34.4 MGD average daily design flow for the Biological Aeration Filtration (BAF) system, including influent, sidestream, and backwash recycle flows.

The referenced Appendix A may be viewed/downloaded at URL:

www.tinyurl.com/061024BasisOfDesign-BJC-JSTP.

BMPs or Best Management Practices shall mean schedules of activities, prohibitions of actions, maintenance procedures, asset management, and other supervisory protocols to prevent or reduce the pollution of waters of the State. BMPs also include Pretreatment Requirements, operating procedures, and actions to control site runoff, spillage and leaks, sludge or waste disposal, or drainage from raw material storage.

Conversion Factors shall mean the schedule set forth in Appendix B to the *Design Standards for Intermediate-Sized Wastewater Treatment Systems (2014)* released by the New York State Department of Environmental Conservation March 5, 2014 (see, page 223 [Appendix B-1] at: http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf) or any amendment or revision thereto. The applicable conversion factor[s] shall be used in any computation required under these rules and regulations, specifically including computations made under Articles 7, 9, 12, and 13.

Joint Sewage Treatment Plant, Sewage Treatment Plant or Treatment Plant shall mean the Binghamton-Johnson City Joint Sewage Treatment Plant, including all facilities, buildings, structures, equipment, appurtenances and land owned jointly by the City of Binghamton and the Village of Johnson City, wherever located, in accordance with agreements between the owners, for the express purpose of providing adequate conveyance, treatment and disposal of sewage and wastewater.

Mixed-Use, in relation to a parcel of real property, shall have the same meaning as ascribed by the Municipal User's zoning ordinance or, if not expressly defined therein, shall mean a property on which is located at least one "Residential" use and at least one "Non-Residential" use sharing the same sewer connection to the Municipal User's public sewer.

(AMENDMENT 2015-2 [continued])

Modified Sewer Connection shall mean the result of construction to physically alter an existing sewer connection to a public sewer (regardless of whether such public sewer is owned or controlled by an Owner, Outside User, or other governmental agency) which is tributary to the Treatment Plant.

New Sewer Connection shall mean the result of construction of a new sewer pipe to serve a property, plumbed so as to discharge into a public sewer (regardless of whether such public sewer is owned or controlled by an Owner, Outside User, or other governmental agency) which is tributary to the Treatment Plant at a point in the public sewer where no connection serving the property previously existed.

Non-Residential, in relation to a parcel of real property, shall have the same meaning as ascribed by the Municipal User's zoning ordinance or, if not expressly defined therein, shall mean any use of land, buildings, and/or structures or portions thereof not designed or intended to be used as living quarters for human habitation with continuity of occupancy; to the extent permitted by a Municipal User's ordinances, examples include: retail, bulk and wholesale sales establishments, markets and shopping stores of all types; food service; beverage service; food baking, manufacturing, processing and/or packaging; beverage brewing and/or bottling; fuel sales and service stations; offices, professional services, commercial, banking, financial, insurance, personal services, laundry and dry cleaning establishments; vehicle washing, maintenance and/or repair; publishing, manufacturing, textile/clothing mills, machine shop, industrial, chemical and materials handling and/or processing enterprises; business incubators; medical, hospital, rehabilitation, therapy, and/or convalescent care facilities; veterinary medicine services; animal hospitals, animal shelters, zoos and nature conservancies; agriculture, farming, and animal husbandry other than for use or consumption on the property itself; agribusiness, sawmills, campsites; building and construction contracting (including building material and equipment yards); storage; warehousing; shipping and/or transportation, vehicle and equipment rental, parking lots or parking garages (other than as an accessory use to a principal residential use on the same or an adjacent parcel); airport/heliport, bus, train and other public transportation terminals or stations; educational, religious, cultural facilities, public assembly, fine arts (including performing arts), museums, planetariums, libraries, entertainment, amusement, recreation, civic or not-for-profit/charitable institutions; research, development, experimental and/or testing laboratories; lodging, bed-and-breakfast establishments, day care (child and/or adult), community centers, clubs/lodges, conference centers; governmental, municipal, public utility, telecommunications, transmitting/receiving antenna towers, recycling facilities and solid waste transfer stations, landfills/junkyards; drilling, extractive and/or mining operations; billboards and detached signs; but "Non-Residential" use shall not include space devoted to a permitted "home occupation" accessory to a principal residential use.

Outside User shall mean a Municipal User in contractual relationship with the Owners under a written agreement substantially in the form of the *Standard Agreement for Treatment of Sewage from Outside Users* annexed as Appendix A to Inter-Municipal Agreement No. 2 between the Owners (dated December 7, 1967) for the Bingham-

(AMENDMENT 2015-2 [continued])

ton-Johnson City Joint Sewage Project, or any successor agreement or extension thereof. Additionally, with respect to Articles 12, 13, and 14 of these rules and regulations, Binghamton University of the State University of New York ("SUNY") system, the Town of Conklin, and the Town of Vestal are considered to be Outside Users.

Peak Hourly Sewage Flow Rate shall mean the largest volume of sewage discharged through a property's sewer connection during a consecutive 60-minute period within a longer consecutive sampling period (for example, a day [24 consecutive hours], week [seven consecutive days], or month [30 consecutive days]) expressed as a volume per hour per sampling period.

Residential, in relation to a parcel of real property, shall have the same meaning as ascribed by the Municipal User's zoning ordinance or, if not expressly defined therein, shall mean a use of land containing a building or portion thereof designed to be used primarily as living quarters for human habitation with continuity of occupancy and having complete housekeeping facilities on the premises for the activities of daily living, sleeping, cooking, bathing and toileting; to the extent permitted by a Municipal User's ordinances, examples include: one-, two-, three-, and multi-family dwellings; mobile or manufactured homes; as well as higher-density developments such as rooming houses, boarding houses, dormitories, apartments, townhouses, condominiums, group homes, group care facilities, custodial care facilities, assisted-living facilities, and nursing homes; any of which may also contain private kennels, garages and/or parking areas and permitted home occupations accessory to the principal residential use.

TRC or Technical Review Criteria shall mean:

1.4 for BOD;

1.4 for Total Suspended Solids [TSS];

1.4 for fats, oil, and grease; and

1.2 for all other pollutants and parameters, except pH.

For further context, refer to subparagraph 2 in the definition of "Significant Noncompliance".

PART III

The first paragraph in Section 12.04 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended to read as follows:

Except as otherwise defined below, technical terms used in this Article shall have the meanings stated in Section 2.01 of Article 2. Whenever used in this Article, the following terms and their corresponding definitions shall apply only in this Article, unless otherwise expressly stated or required by subject matter or context:

(AMENDMENT 2015-2 [continued])

PART IV

The definitions of "Available Sewer Capacity", "Hydraulic and Pollutant Loading Capacity Analysis", "New or Modified Sewer Connection", and "Sewer System Capacity Analysis" in Section 12.04 of the in *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* are amended to read as follows:

"Available Sewer Capacity" shall be the difference between a sewer pipe's theoretical full pipe capacity calculated using Manning's Equation expressed as an hourly flow rate, and the sum of the average hourly wastewater flow in the pipe based on the 2006, 2008 and 2010 flow metering data plus the estimated peak hourly sewage flow rate increase from one or more new or modified sewer connections. The 2006 and 2008 flow metering data was presented in the September 2009 Flow Management Evaluation Report - Appendix C (approved by NYS-DEC in October 2009), and the 2010 flow metering data was presented in the April 2011 Flow Management Process, Collection System Mapping Enhancement and Modeling Study - Section 7 (approved by NYS-DEC in March 2011).

"Hydraulic and Pollutant Loading Capacity Analysis" refers to comparing [i] the average wastewater flow rate design values expressed as an hourly flow rate and pollutant load design values expressed as an hourly loading of each unit process at the Treatment Plant to [ii] the average daily wastewater flow volume expressed as an hourly flow rate and average daily pollutant loading at the Treatment Plant plus the estimated peak hourly sewage flow rate and estimated peak hourly pollutant load from one or more new or modified sewer connections.

"New or Modified Sewer Connection" shall mean the result of construction of either [i] a new sewer connection or [ii] a modified sewer connection.

"Sewer System Capacity Analysis" refers to comparing the difference between [i] a sewer pipe's theoretical full pipe capacity calculated using Manning's Equation expressed as an hourly flow rate and [ii] the sum of the average hourly wastewater flow in the pipe based on the 2006, 2008 and 2010 flow metering data as presented in the September 2009 Flow Management Evaluation Report - Appendix C (approved by NYS-DEC in October 2009) and the April 2011 Flow Management Process, Collection System Mapping Enhancement and Modeling Study - Section 7 (approved by NYS-DEC in March 2011) plus the estimated peak hourly sewage flow rate increase from one or more new or modified sewer connections.

PART V

The following definition is added to Section 12.04 of the in *Rules and Regulations Relating to*

(AMENDMENT 2015-2 [continued])

Use of the Binghamton-Johnson City Joint Sewage Treatment Plant:

Peaking Factor, when used in Article 12 of these rules and regulations, shall mean the ratio of [i] the largest consecutive hourly flow volume of wastewater discharged through a property's sewer connection during a typical day to [ii] 1/24th of the average daily flow volume of wastewater discharged from the same property, determined using the same volumetric unit of measure for both parts of the ratio.

PART VI

The first paragraph in Section 13.04 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended to read as follows:

Except as otherwise defined below, technical terms used in this Article shall have the meanings stated in Section 2.01 of Article 2. Whenever used in this Article, the following terms and their corresponding definitions shall apply only in this Article, unless otherwise expressly stated or required by subject matter or context:

PART VII

The definition of "New or Modified Sewer Connection" in Section 13.04 of the in *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended to read as follows:

"New or Modified Sewer Connection" shall mean the result of construction of either [i] a new sewer connection or [ii] a modified sewer connection. If a new or modified sewer connection adds more than 2,500 gallons per day average daily flow volume, it is also a Sewer Extension (as defined below), for which an offset is required in accordance with this Article.

PART VIII

The first paragraph in Section 14.05 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended to read as follows:

Except as otherwise defined below, technical terms used in this Article shall have the meanings stated in Section 2.01 of Article 2. Whenever used in this Article, the following terms and their corresponding definitions shall apply only in this Article, unless otherwise expressly stated or required by subject matter or context:

(AMENDMENT 2015-2 [continued])

PART IX

The definition of "Peaking Factor" in Section 14.05 in *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended to read as follows:

Peaking Factor, when used in Article 14 of these rules and regulations, shall mean the ratio of [i] wet weather wastewater flow during a rainstorm or snowmelt event to [ii] typical dry weather wastewater flow at the same time of day and for the same duration. Can be expressed as "instantaneous" or "volumetric".

(end of Amendment 2015-2)

AMENDMENT 2015-3 (PROHIBITED DISCHARGES AMENDMENT)

*Article 5 of the Rules and Regulations Relating to Use of the
Binghamton-Johnson City Joint Sewage Treatment Plant*

Subsection (d) of Section 5.01 are amended in the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* to read as follows:

§5.01 PROHIBITED DISCHARGES

No person shall discharge directly or indirectly into the POTW or into any private sewer drain emptying into the POTW any substances, materials, waters, or wastes in such quantities or concentrations which cause, or are capable of causing either alone or by interaction with other substances, interference with the operation or performance of the POTW treatment plant. No person shall discharge the following into the POTW:

* * * * [(a) through (c) remain "as is" without amendment]

- (d) Any wastewater having a pH less than 6.0 Standard Units (S.U.) or higher than 12.0 S.U., or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel or the treatment works. Notwithstanding the preceding sentence, a Municipal User may establish and enforce more stringent pH discharge limits within any Sewer System owned by it or under its jurisdiction.

* * * * [(e) through (l) remain "as is" without amendment]

(end of Amendment 2015-3)

AMENDMENT 2015-4 (RECORDKEEPING)

... to add Section 6.24 to Article 6 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*

Section 6.24 is added to the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*, reading as follows:

§6.24 RECORDKEEPING

Users subject to the reporting requirements of this Article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Article; any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, the name of the person[s] taking the samples; the dates analyses were performed; the name of the person[s] performing the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years from the date the results became known or were reported to the User. This period shall be automatically extended for the duration of any investigation or litigation concerning the User or the Board as to which the User is made aware, or where the User has been specifically notified of a longer retention period by the Manager.

(end of Amendment 2015-4)

AMENDMENT 2015-5 (AMENDMENTS TO ARTICLE 12)

... amending Article 12 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*

PART I

The second and third paragraphs of Section 12.05.01 in the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* are amended to read as follows:

In order to be considered fully completed, the Sewer Connection Application shall state in the blanks designated the Applicant's name, street address (and, if different, mailing address), telephone number, FAX number (or "NONE" if the Applicant does not have a FAX number), e-mail address (or "NONE" if the Applicant does not have an e-mail account), the street address at which the proposed project covered by the application is located, a parcel ID number (i.e., tax map number), the I/I Remediation Basin in which the proposed project is located (determined using the I/I Remediation Basin Map -- Figure 13.05-1 of Article 13), the estimated date for completion or occupancy of the new or modification development construction, and an estimate of the pre-construction/modification average daily flow volume (which includes the daily peak hourly sewage flow rate) and post-construction/modification average daily flow volume (which includes the daily peak hourly sewage flow rate). Average daily flow volume estimates and computations shall be certified as correct. The Applicant may certify estimates and computations for new or modified sewer connections adding up to and including 2,500 gallons per day additional average daily flow volume. For new or modified sewer connections adding more than 2,500 gallons per day average daily flow volume, a Professional Engineer licensed to practice in New York State must certify the estimates and computations.

Additionally, if a new sewer connection or modification results in new average daily flow volume of more than 2,500 gallons per day, then said connection or modification constitutes a Sewer Extension and the application requires an accompanying Sewer Extension Engineering Report, approval from the Affected Owner, Board and, if the sewage discharge from the proposed project must flow through the sewer collection system of another Municipal User to reach the sewer collection system of the Affected Owner, an Intermediate Municipal User (refer to Section 12.05.05 - New or Modified Sewer Connection [Greater Than 2,500 Gallons per Day]). In order to be considered fully completed, the Sewer Connection Application for a Sewer Extension shall also state in the places designated the method in which the Applicant proposes to meet the requirements of the Infiltration/Inflow Offset Program (Article 13 of these rules and regulations).

(AMENDMENT 2015-5 [continued])

PART II

The following paragraph is added to Section 12.05.01 in the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*:

Not later than 90 days after these amendments to the regulations become effective, each Municipal User shall modify its application form[s] and within 10 business days following modification submit a specimen copy of each form to the Board. A Municipal User may begin using its modified application form[s] 10 business days following submission of the specimen copy to the Board.

PART III

The title and first paragraph of Section 12.05.02 in the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* are amended to read as follows:

§12.05.02, SEWER EXTENSION ENGINEERING REPORT

If the Sewer Connection Application is for an increase in average daily flow volume to the Treatment Plant of more than 2,500 gallons per day, then the application must be accompanied by a Sewer Extension Engineering Report. The Sewer Extension Engineering Report shall include:

(the 8-item numbered list following this paragraph remains unchanged)

PART IV

Appendix A (Application) to Article 12 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is replaced with the attached, Version 2.0 (revised Application Form).

BINGHAMTON – JOHNSON CITY JOINT SEWAGE BOARD
APPLICATION FOR NEW OR MODIFIED SEWER CONNECTION PERMIT

[version 2.0 (07/01/2015)]

1. Applicant

Name

Telephone[s]

Street Address (and, if different, Mailing Address)

Fax (or "NONE" if no Fax #)

2. Project Location

e-mail (or "NONE" if no e-mail)

Address

Parcel ID No. (i.e., Tax Map No.)

3. Estimated Date for Completion and/or Occupancy

I/I Remediation Basin

see, <www.bnyurl.com/BgmJC-I-I-RemediationBasinMap>

Date

PRELIMINARY QUESTION: Does the Project covered by this Application involve the making of a physical change at the point of connection to a publicly-owned sewer pipe? (check one) ☐ YES ☐ NO

If "NO", STOP: you are not required to complete the rest of this form. Please sign and date below, and submit.
(Please note: your municipality may require you to complete other forms and/or obtain other permits)

FLOW & FEE/CREDIT WORKSHEET (attach a Sewer Extension Engineering Report if more than +2,500 gpd net average daily flow volume change)

PART I

Source of Flow (check all that apply)	Average Daily Unit Flow Volume (gpd)	No. of Units	Resulting Change in Average Daily Flow Volume (gpd)
Pre-Application Flow (if applicable)			(^ reduction, if any)
Residential (people)		X	
Commercial/Office Bldg (employees)		X	
Restaurant (employees + seats)		X	
Industrial or Other Source (Stores, Motels and Hotels, Recreational Facilities, etc.)	Flow rate to be determined based on accepted standards for similar industry or business type and size.		

PART I data/computations certified correct by:

printed name and title:

(the Applicant may certify ≤ 2,500 gpd; a Professional Engineer must certify > 2,500 gpd)

TOTAL
NET
CHANGE

PART II (check A or B) – ONLY APPLICABLE IF TOTAL NET "RESULTING CHANGE IN AVERAGE DAILY FLOW VOLUME" EXCEEDS A POSITIVE 2,500 gpd

A. Purchase/Acquire Flow Credits ("Fees in Lieu of Mitigation") Yes or No

B. Earn Flow Credits (I/I Remediation Agreement for Developers/Builders only) Yes or No

Applicant agrees to carry-out or fund acceptable I/I Remediation Project(s) under the terms and conditions of the I/I Offset Program to earn flow credits by the time new/modified sewer construction is certified as complete.

BY SIGNING BELOW, THE UNDERSIGNED ATTESTS ON BEHALF OF THE APPLICANT THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND COMPLETE TO THE BEST OF THE APPLICANT'S KNOWLEDGE AND BELIEF.

Applicant Signature (print name and title of person signing below)

Date

BINGHAMTON - JOHNSON CITY JOINT SEWAGE BOARD
APPLICATION FOR NEW OR MODIFIED SEWER CONNECTION PERMIT
(continued)

PRINCIPAL MUNICIPAL USER PERMIT APPROVAL/APPROVAL-with-CONDITIONS/DISAPPROVED

A new or modified sewer connection for this Applicant has been granted
 Approval or Approval-with-Conditions or Is Disapproved
 (^ circle the one that applies and strike the ones that do not apply)

Municipality in Which Parcel Is
 Located

Notes for Condition(s) (if any)

Name and Title (printed):

Signature

Date

**INTERMEDIATE MUNICIPAL USER PERMIT APPROVAL/APPROVAL-with-CONDITIONS
 (IF APPLICABLE)**

A new or modified sewer connection for this Applicant has been granted
 Approval or Approval-with-Conditions
 (^ circle the one that applies and strike the one that does not apply)

Municipality Affected by
 Connection (if applicable)

Notes for Condition(s) (if any)

Name and Title (printed):

Signature

Date

AFFECTED OWNER PERMIT APPROVAL/APPROVAL-with-CONDITIONS

A new or modified sewer connection for this Applicant has been granted
 Approval or Approval-with-Conditions
 (^ circle the one that applies and strike the one that does not apply)

Municipality Owning CSO

Notes for Condition(s) (if any)

Name and Title (printed):

Signature

Date

JOINT SEWAGE BOARD PERMIT CONTINGENT APPROVAL/APPROVAL-with-CONDITIONS

Contingent Approval or Approval-with-Conditions of a new or modified
 sewer connection for this Applicant. New or modified sewer connection permit
 approved contingent upon the
 issuance of a Flow Credit Note for _____ gpd Flow Credits.
 (^ circle the one that applies and strike the one that does not apply)

Municipality Affected by
 Connection (if applicable)

Notes for Condition(s) (if any)

Name and Title (printed):

Signature

Date

AMENDMENT 2015-6 (AMENDMENTS TO SECTION 12.05.03 AND TABLE 12.05.03-1)

... amending Article 12 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*

PART I

Section 12.05.03 in the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended to read as follows:

§12.05.03 NEW OR MODIFIED SEWER CONNECTION SEWAGE FLOW RATES

Determining the sewage flow rates of new or modified sewer connections to the POTW shall follow the guidelines set forth in Table B-3 of the *Design Standards for Intermediate-Sized Wastewater Treatment Systems*, 2014 edition as released by the New York State Department of Environmental Conservation March 5, 2014 (see, pages B-16ff at: http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf), or future revisions or republications of the same (such revisions or republications shall only be applicable prospectively, however, beginning with respect to applications submitted on or after the first day of the month which is at least 90 days following the public release of the final version of the revision or republication). For convenience, a summary of the most common flow sources listed in Table B-3 is included as Table 12.05.03-1 of these regulations. *(In the event that there is any difference or conflict between Table B-3 and Table 12.05.03-1, however, the provisions of Table B-3 shall be controlling)*. For industrial and other facilities not listed in Table B-3, the sewage flow rates will be determined at the time of application based on similar type and size of business. The Applicant may certify sewage flow rate estimates and computations for new or modified sewer connections adding up to and including 2,500 gallons per day additional average daily flow volume. For new or modified sewer connections adding more than 2,500 gallons per day average daily flow volume, a Professional Engineer licensed to practice in New York State must certify the estimates and computations. Sewage flow rate estimates and calculations shall be subject to approval by the Board as well as, at the Board's option, confirmation post-installation after use of the new or modified connection has begun.

PART II

Table 12.05.03-1 in Article 12 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is replaced in its entirety with the attached revised summary Table 12.05.03-1.

THE FOLLOWING INFORMATION IS FOR YOUR INFORMATION ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

THE FOLLOWING INFORMATION IS FOR YOUR INFORMATION ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

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TABLE 12.05.03-1: NEW DEVELOPMENT SEWAGE FLOW RATES (footnotes appear following the end of Table)

(Table B-3 of the *Design Standards for Intermediate-Sized Wastewater Treatment Systems*, 2014 edition as released by the New York State Department of Environmental Conservation March 5, 2014 [see, pages B-16ff at: <http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf>] is, in its entirety, applicable to Section 12.05.03 of these regulations. As a convenience, the following chart presents a summary of the most common sources of flow from Table B-3. In the event that there is any difference or conflict between Table B-3 and this Table 12.05.03-1, however, the provisions of Table B-3 shall be controlling.)

Source of Flow	Flow Rate to be Added to the POTW	Reference
Single-Family Residences and Residential-Style Group Homes	per Bedroom - 110 / 130 / 150 (2) gal/day, plus, add 150 gal/day per house with garbage grinder, plus, add 15 gal/day per non-resident employee (Group Homes only)	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC (2)
Apartments, Multiple Dwellings, and Assisted Living Facilities/Complexes	per Bedroom - 110 / 130 / 150 (2) gal/day, plus, add 15 gal/day per non-resident employee per shift (if any), plus, add 10 gal/day per in-room kitchen (Assisted Living only)	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC (2)
Mobile Home Parks	per "Single-Wide" Home / pad - 220 gal/day, and/or per "Double-Wide" Home / pad - 330 gal/day, plus, add 15 gal/day per non-resident employee per shift (if any)	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC (2)
Hotels, Motels, and Bed & Breakfast Establishments	per Sleeping Unit - 110 / 130 / 150 (2) gal/day, plus, add 10 gal/day per in-room kitchen (if any), plus, add 20 gal/day per in-room Jacuzzi/spa (if any), plus, add 15 gal/day per non-resident employee per shift (if any), plus, add for on-site food service, if any (see, Restaurants, below)	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC (2)
Hospitals and Nursing Homes	per Bed - 175 gal/day, plus, add 30 gal/day per outpatient or "day habilitation" patient served, plus, add 15 gal/day per employee per shift (if any), plus, add for on-site food service, if any (see, Restaurants, below)	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC (2)
Day Care	per Child served - 20 gal/day, plus, add 15 gal/day per non-resident employee per shift (if any), plus, add for on-site food service, if any (see, Restaurants, below)	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC (2)
Kennel and/or Pet Grooming	per Kennel / Run / Cage - 50 gal/day, plus, add 15 gal/day per employee per shift (if any), plus, add 500 gal/day per pet grooming station (if any)	<i>Design Standards for Intermediate-Sized Wastewater Treatment Systems</i> , 2014 edition as published by the NYSDEC (2)
(continues on next page)		

<i>(continued from prior page)</i>		<i>(continued from prior page)</i>
Source of Flow	Flow Rate in gpd	Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC (3)
Doctor's, Dentist's, or Veterinarian's Offices	per Doctor [non-Dentist], or per Dental Care Chair - 250 gal/day, and/or per Veterinarian - 200 gal/day. plus, add 15 gal/day per non-doctor/dentist/vet. employee per shift (if any)	Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC (3)
Laundromat	per Washing Machine - 580 gal/day, plus, add 15 gal/day per employee per shift (if any)	Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC (3)
Arena, Assembly Hall, Auditorium, Concert Hall, or Theater	per Seat - 5 gal/day, plus, add 15 gal/day per employee per shift, plus, add for on-site food service, if any (see, Restaurants, below)	Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC (3)
Banquet Hall and/or Catering Hall	per Seat - 10 gal/day, plus, add 15 gal/day per employee per shift, plus, add 150 gal/day per garbage grinder (or, if large, separately evaluate)	Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC (3)
Office Buildings	per Employee per shift - 15 gal/day, plus, add 5 gal/day per shower unit (if any), plus, add for on-site food service, if any (see, Restaurants, below)	Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC (3)
Discount Stores, Dept. Stores, Grocery Stores, Merchandise Clubs, Retail Stores, and Shopping Centers	per square foot - 0.1 gal/day, plus, add 15 gal/day per employee per shift, plus, add for on-site food service, if any (see, Restaurants, below), plus, add for on-site bakery, butcher, and/or deli, if any, based on similar industry type and size as well as proposed operations	Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC (3)
Convenience Stores and/or Service Stations	per toilet - 400 gal/day, plus, add 15 gal/day per employee per shift, plus, add for on-site food service, if any (see, Restaurants, below)	Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC (3)
Factories and/or Distribution Warehouses	per Employee per shift - 15 gal/day, plus, add 10 gal/day per shower unit (if any), plus, add for on-site food service, if any (see, Restaurants, below), plus, add for process water use, if any (see, Industrial Facilities, below)	Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC (3)
<i>(continues on next page)</i>		

(continued from prior page)		
Source of Flow	Flow Rate to be Added to the POTW (g)	Reference
Restaurants	Dine-In Cook-to-Order Restaurant (not 24-hour) - 35 gal/day per seat; Fast Food Restaurant (not 24-hour) - 25 gal/day per seat, plus 500 gal/day per drive-up window; if 24-Hour Restaurant - use 50 gal/day per seat instead of number above; Buffet/Cafeteria - pro-rate based on hours of service -versus- 24-Hour Restaurant, above; Restaurant in Proximity to Freeway Exit - 75 gal/day per seat, plus 500 gal/day per drive-up window; Drive-In Restaurant - 25 gal/day per car space; Tavern/Bar/Lounge - 20 gal/day per seat, plus, for all restaurants, add 15 gal/day per employee per shift, plus, add 150 gal/day per garbage grinder (or, if large, separately evaluate) To be determined at the time of application based on similar industry type and size as well as proposed operations	Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC (3)
Industrial Facilities		
Other sources (such as Barber Shops, Beauty Salons, Campgrounds, Churches, Fire Halls, Fitness Centers, Gyms, Health Clubs, Libraries, Parks, Prisons, Recreational Facilities, Schools, Transportation Terminals, etc.)	If listed therein, to be determined at the time of application based on Table B-3 in the Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC (3); see, pages B-16ff of < http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf > or, if not listed, to be determined based on similar business type and size	

Footnotes:

- (1) The Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by NYSDEC allow for the following:
- a. "Typical Per-Unit Hydraulic Loading Rates" based on Table B-3 (common sources from which are summarized above) in the Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014 edition as published by the NYSDEC. For other less frequent sources, refer to full Table B-3 at pages B-16ff of URL: <http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf>. When a development includes several types of uses from the Table, each use shall be computed separately. Except for the 110/130/150 (3) gal/day per unit values, the per-unit hydraulic loading rates, above and in Table B-3, may be reduced by 20% if certified water saving

- plumbing fixtures are used in the development. A combination of low-flow, medium-flow, and high-flow fixtures can also be considered on a *pro-rata* basis when supported with engineering calculations. Expected hydraulic loading rates (flow rates) based on new/alternative technologies will be considered on a case-by-case basis.
- b. "Actual Measured Wastewater Flow Data" for a minimum of one year collected during similar operational conditions. For further information, see Method 2 under B.6.b (Design Flow) on pages B-15 to B-16 of the *Design Standards for Intermediate-Sized Wastewater Treatment Systems*, 2014 edition as published by the NYSDEC accessible at URL: <http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf>.
 - c. "Actual Measured Water Usage Data" for a minimum of one year collected during similar operational conditions. For further information, see Method 3 under B.6.b (Design Flow) on page B-16 of the *Design Standards for Intermediate-Sized Wastewater Treatment Systems*, 2014 edition as published by the NYSDEC accessible at URL: <http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf>.
- (2) 110 gpd for post-1994 plumbing code fixtures; 130 gpd for post-1979 through pre-1995 fixtures; and 150 gpd for pre-1980 fixtures. Homes over 1,000 gpd, community systems, or lodging establishments with medium-flow or high-flow fixtures must account for their higher peak flow periods.
 - (3) In the event that NYSDEC amends its 2014 edition, the amended edition shall govern prospectively only, with respect to applications submitted on or after the first day of the month which is at least 90 days following the public release of the final version of the amendment.

AMENDMENT 2015-7 (AMENDMENTS TO ARTICLE 13)

... amending Article 13 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*

PART I

The definition of "Default" in Section 13.04 in the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended to read as follows:

"Default" shall mean if a certificate of occupancy has not been issued within one year from the time of issuance of the Flow Credit Note or, if later, within the additional time allowed for issuance of the certificate of occupancy when extended as provided herein.

PART II

The first paragraph of Section 13.05 in the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended to read as follows:

New or modified sewer connections adding more than 2,500 gallons per day (gpd) in average daily flow volume shall be offset by an equal quantity of infiltration and/or inflow removal. This offset is a one to one (1:1) offset. The offset of infiltration and/or inflow shall occur in the same I/I Remediation Basin as the new or modified sewer connection, unless otherwise approved in writing by the Board. The I/I Remediation Basins are geographic boundaries and are identified in Figure 13.05-1 (NOTE: *this Figure appears following Section 13.20*).

PART III

Section 13.11 in the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended to read as follows:

§13.11 SEWER FLOW CREDIT BANK

The Sewer Flow Credit Bank (Bank) is a mechanism administered by the Board through which Flow Credits generated from the successful completion of I/I Remediation Projects can be deposited, and then withdrawn or transferred for new or modified sewer connections.

- (a) Flow Credits shall only be used in the specific I/I Remediation Basin in which they were generated. They are not transferable to another I/I Remediation Basin,

(AMENDMENT 2015-7 [continued])

unless approved by the Board.

- (b) Once an I/I Remediation Project is certified complete, Flow Credits generated by I/I Remediation Projects shall be deposited into a separate sub-account within the Bank for the use by the Municipal User having jurisdiction over the site of the I/I Remediation Project. A Municipal User may, at its sole option, grant, sell, or otherwise transfer Flow Credits to entities other than the Municipal User, whether on a case-by-case basis or by operation of generally applicable local law, provided written notice of such transaction and/or local law is furnished to the Bank Administrator.
- (c) If an I/I Remediation Project performed by any entity generates more Flow Credits than necessary for a specific new or modified sewer connection, then all excess Flow Credits will remain "on deposit" in the Municipal User's sub-account with no expiration date. A Municipal User may, at its sole option, grant, sell, or otherwise transfer Flow Credits to entities other than the Municipal User, whether on a case-by-case basis or by operation of generally applicable local law, provided written notice of such transaction and/or local law is furnished to the Bank Administrator.
- (d) Flow Credits are subject to eminent domain; a Municipal User having jurisdiction over the I/I Remediation Basin can mandate that Flow Credits "on deposit" in the name of a private entity generated in relation to an I/I Remediation Project within such Municipal User's boundaries shall be "condemned" for a "public purpose".
- (e) Flow Credits shall be denominated in gallons per day.
- (f) No Flow Credits are required with respect to a new or modified sewer connection that does not add more than 2,500 gallons per day average daily flow volume.

With respect to a new or modified sewer connection that adds more than 2,500 gallons per day average daily flow volume, the quantity of Flow Credits required for such new or modified sewer connection shall be equal to the increase in average daily flow volume that is added by such new or modified sewer connection, referred to as a one-to-one (1:1) offset ratio.

- (g) The transfer of Flow Credits between Municipal Users and other entities shall be allowed. The Bank Administrator shall have no obligation to process a transfer or sale of Flow Credits in the absence of documentation found by it to be proper documentation of the transaction, such as notarized bill of sale or memorandum of gift or grant describing the transaction. While in an "on deposit" status in the Bank, Flow Credits shall have no monetary value, accrue no interest, and may not be assigned or pledged as collateral.

(continues on next page)

- (h) Flow Credit withdrawal and use in relation to an application shall be:
- (1) subject to approval of the Bank Administrator based on demonstration by the Applicant of adequate hydraulic and treatment capacity in the sewage collection system and Treatment Plant in relation to the application under the Article 12 – New or Modified Sewer Connection Application Program, of these rules and regulations.
 - (2) in accordance with approval for the new or modified sewer connection under the Article 12 – New or Modified Sewer Connection Application Program, of these rules and regulations.
- (i) The existence of Flow Credits “on deposit” or posted to the account or sub-account of any entity creates no “vested rights” or entitlement whatsoever to make a new or modified sewer connection until all requirements and conditions applicable at the proposed new or modified sewer connection site are satisfied in the judgment and discretion of the governmental entity having jurisdiction thereof.

PART IV

The second paragraph of Section 13.15 in the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended to read as follows:

Flow Credits shall only be made available if there is available capacity of both the affected sewers and the Treatment Plant to accommodate the estimated peak hourly sewage flow rate associated with such credits as documented in the Sewer Extension Engineering Report (refer to Article 12 – New or Modified Sewer Connection Application Program).

PART V

The fifth paragraph of Section 13.15 in the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended to read as follows:

All new or modified sewer connections require approval by the Principal Municipal User and all new or modified sewer connections adding more than 2,500 gpd average daily flow volume additionally require approval by the Intermediate Municipal User (if applicable), Affected Owner, the Board, the Broome County Department of Health and, if applicable, other governmental agencies (such as the New York State Department of Environmental Conservation [NYS-DEC] and/or the New York State Department of

(AMENDMENT 2015-7 [continued])

Health [NYS-DOH]. If a new or modified sewer connection is made without prior approval and/or without a Flow Credit Note as stated above, the Board shall refer this matter to the Broome County Department of Health and the NYS-DEC and/or NYS-DOH.

(end of Amendment 2015-7)

EXCERPT

**RULES AND REGULATIONS
RELATING TO USE OF THE
BINGHAMTON-JOHNSON CITY
JOINT SEWAGE TREATMENT PLANT**

ISSUED BY:

**THE BINGHAMTON-JOHNSON CITY
JOINT SEWAGE BOARD**

1997

* * * *

§3.10 PROCEDURE FOR ADOPTION AND AMENDMENT OF RULES AND REGULATIONS

- (a) The Joint Sewage Board prior to the adoption, amendment, or repeal of any Rule or Regulation shall:
- (1) Publish notice at least ten days prior to the intended action. Notice shall include a statement of either the terms or substance of the intended action or a description of subjects and issues involved, and the time, place, and manner in which interested persons may present their views.
 - (2) Afford all interested parties reasonable opportunity to submit data, views, or arguments orally or in writing. Reasons for adoption and refusal of the proposed rule as well as the decision of the Joint Sewage Board shall be recorded and available for public inspection.
 - (3) Within 15 days after Board action, file a certified copy of each such amendment to the Rules and Regulations with the City Council and the Village Board of Trustees for approval. In the event that no action is taken by the City Council and the Village Board of Trustees within 30 days, the proposed amendment shall be deemed approved. When either the City Council or the Village Board of Trustees disapproves a proposed amendment to the Rules and Regulations, then a meeting shall be convened between the Board and the Owners to resolve any disagreement.
- (b) The rule or regulation, or amendment or repeal thereof, shall be effective ten days after approval, except if the rule is adopted under the emergency procedures of Subsection (c), then it shall be effective upon adoption by the Board.
- (c) If the Board determines that emergency action is required, the Board may waive the provisions of Subsection (a) above and proceed to adopt an emergency rule. The emergency rule shall be effective for a period not exceeding 120 days unless it is readopted in accordance with Subsection (a) above.

§3.11 PUBLICATION OF RULES AND REGULATIONS

The Joint Sewage Board shall compile, index, and publish all effective Rules and Regulations. The compilation shall be supplemented as often as necessary.

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